



# White River National Forest

## Application and Permit Process for Obtaining a Commercial Filming or Still Photography Permit

In May of 2000, Public Law 106-206 provided direction for managing commercial filming and still photography. In July of 2004, The Code of Federal Regulations, 36 CFR 251, Subpart B was revised to clarify that a special use authorization is required for special uses including filming and still photography that occur on National Forest System lands. The Forest Service requires a permit and a fee to be paid for the use of National Forest System lands for commercial filming and still photography. (See Definitions page 2)

Listed below are some of examples of when a filming permit would or would not be required. The explanations are derived from the definitions published in the *Federal Register* notice of July 13, 2004. This is not a comprehensive list. Please contact the Forest Service District office for a determination of need for a permit. A minimum of 10 working days is required once a **complete application package** is submitted.

- 1) ESPN films the Gravity Games. A permit is required. A product for sale will be created, in this case, a sporting or recreation event.
- 2) A TV station films pieces of the Gravity Games to show on tonight's news. No permit is required. This is considered breaking news.
- 3) A TV station films segments for a weekly TV show or special. A permit is required. A product for sale is created; in this case, a television broadcast that is not breaking news.
- 4) ABC films for "Wide World of Sports". A permit is required. A product for sale will be created; in this case, a television broadcast of sporting or recreation events.
- 5) A photographer stops along an open Forest road to take still photos of a mountain scene for use in a calendar that she plans to sell. No permit required. There is no use of actors, props, models or sets.
- 6) A person wants to shoot a person doing repeated bicycle stunts on the Forest trail for use in a promotional video. A permit is required. A product for sale will be created; in this case, a film of sporting or recreation activity. The stunt person is also considered an actor or model.
- 7) A local business owner encourages a film company to include their business in film that will be aired on TV. A permit is required. Creation of a product for sale, a TV broadcast.
- 8) Ford films a commercial for its new SUV. A permit is required. Sale of a product.
- 9) A school coach films athlete for training purposes. No permit is required. Not commercial.
- 10) Coach or other person films an athlete for promotional/commercial purposes. A permit is required. Film of a subject in a sporting event created for the purpose of generating income.
- 11) REI, Cabela's, etc. hires a photographer to shoot their new winter catalog. A permit is required. Models and props are used and products are for sale.
- 12) Snowboarder videos friends riding. No permit required. Video is not created for the purpose of generating income.
- 13) A person films a backcountry deer hunt intending to sell it to a satellite TV station. A permit is required. Film created for the purpose of generating income.



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## Definitions

**Commercial Filming:** Use of motion picture, videotaping, sound recording, or any other moving image or audio recording equipment on National Forest System Lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of models, actors, sets or props, but not including activities associated with broadcasting breaking news, as defined in FSH 2709.11, chapter 40. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast or documentary of historic events, wildlife, natural events, features, subjects or participants in a sporting or recreation event, and so forth, when created for the purpose of generating income. A special use permit is required for all commercial filming activities on National Forest System lands.

**Still Photography:** use of still photographic equipment on National Forest System lands that takes place at a location where members of the public generally are not allowed or where additional administrative costs are likely, or uses models, sets or props that are not part of the site's natural or cultural resources or administrative facilities.

**Breaking News:** An event or incident that arises suddenly, evolves quickly, and rapidly ceases to be newsworthy. Examples of breaking news may include: a plane crash, a wild land fire, lost child and other types of search and rescue proceedings, segments of special events, such as a sporting or recreation event included as a news item on the nightly news sportscast.

**Model:** An individual who poses for the commercial filming or still photography of a product or service for the purpose of promoting its sale or use. A model may also include inanimate objects such as vehicles, boats, off-highway vehicles, articles of clothing, food and beverage products, and so forth, placed on National Forest System lands so that they may be filmed, photographed or recorded to promote their sale or use.

**Actor:** An individual who either: a) portrays a character or himself/herself in the reenactment of an event or incident, or b) narrates a storyline for commercial filming purposes. News broadcasters and correspondents, as well as witnesses, victims, or other parties interviewed by a news broadcaster or correspondent, who appear before a camera in the reporting of breaking news, are not considered actors for purposes of this definition.

**Sets & Props:** Items constructed or placed on National Forest System lands to accommodate commercial filming or still photography, such as backdrops, generators, microphones, stages, lighting banks, camera tracks, vehicles specifically designed to accommodate camera or recording equipment, rope and pulley systems, rigging for climbers, and structures. Sets and props also include trained animals and inanimate objects, such as camping equipment, campfires, wagons, and so forth, when used to stage a specific scene. A set or prop does not include any of the preceding items when they are used to report breaking news, nor does a prop include a hand-held camera or a camera mounted on a tripod.



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## Guidelines

The following guidelines include a few key items that should help facilitate an understanding of the needs and requirements to obtain a filming permit and to expedite the process for the film/photo industry as well as the Forest Service.

### Initial Contact

At least 2 weeks prior to the proposed filming date or photo shoot, the production company and/or location scout should contact the Forest Service office to describe the type of location desired for filming and the activity or effect to be captured on film or print. More advanced notice should be given for complex shoots. The Special Use Administrator may be able to suggest areas which have the “look” desired which could help save the company hours and perhaps days of scouting. If the proposed activities are incompatible with the area resources or Forest policy (such as, inappropriate use of off-highway vehicles), an explanation will be given as to why the proposal is unacceptable and possible alternatives will be discussed. All proposals should be made through the specific Administrative Unit upon which the activity is proposed.

### Forms

A SF-299 Form should be completed. In addition, a Commercial Filming Request supplemental application should be filed. Be sure to list the number of people to be involved on-location, a schedule of times, dates and locations of operations, and a list of all equipment, chemicals, and other materials that will be transported through the Forest and be available on-location. A script or story board and a thorough, written description of the project should be included with the request. An individual legally authorized to sign for the applicant must be available to sign the permit.

### Insurance

Written proof of insurance must be provided prior to permit issuance in the form of the **entire policy** or a **Certificate of Insurance**. For a certificate to be acceptable, the policy must have been reviewed, assigned a number and placed **on the FS Master Insurance List**. Currently, FS staff must check the Master List so if you're not sure, submit a copy of the policy in order to expedite permit processing. The policy must include an endorsement that adds the U.S. government as additionally insured and provide for thirty (30) days written notification of cancellation.

White River National Forest District Offices (Administrative Units):

Aspen & Sopris Ranger Districts - (970) 925-3445 or (970) 963-2266

Blanco Ranger District - (970) 878-4039

Dillon Ranger District - (970) 468-5400

Eagle/Holy Cross Ranger District - (970) 328-6388 or (970) 827-5715 -

*Filming applications will not be entertained within the Glenwood Canyon along the Colorado River from Memorial Day through Labor Day or weekends during the fall shoulder seasons. Photography applications will not be entertained for rafting/kayak or other water sports during the summer season since there are an adequate number of permitted providers.*

Rifle Ranger District - (970) 625-2371



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## Completing the SF-299 for Filming Permits

Please complete **all** fields unless otherwise indicated. Add additional pages when necessary. The numbered statements provided below correspond with the block numbers on the SF-299 and are meant to explain what information is required.

1. The applicant must be a legal entity. The applicant's name must match the name on the insurance policy and/or certificate.
2. The authorized agent must have legal authority to make decisions and sign for the applicant.
4. Make sure this is completed. If the applicant is a corporation or partnership/association, please complete the supplemental information on page 4. This information assists in making sure that the applicant is a legal entity and the individual(s) authorized to sign for the business entity.
7. There is not enough space to complete the description here. You may use the "Photography and Filming Request" to expand the description or use separate paper. If you are using the Request or separate paper, at a minimum, complete (a), (d) and (e) on this form.
8. A map of the location is required.
9. If the use requires land in addition to National Forest System lands, or requires approval from other entities, check the appropriate box and include a copy of the authorization. If you do not currently have the approval/authorization, be prepared to provide it before the Forest Service permit is completed.
10. Not applicable at this time.
11. Not applicable on the White River NF.
12. Provide information for the applicant. Also, if you are not providing all services for your use, explain who else is and what their technical ability is. For example, if you are filming on a ski area and the ski area will be providing services such as construction, transportation or food services, please include this.
13. All sections, a, b, & c must be completed. Basically, you should provide sufficient reason why you must utilize National Forest System lands for the filming or photography. Use is not authorized solely to provide a lower cost or less restrictive location.
- 15-18. Each of these must be completed. "N/A" is not an acceptable answer. Remember that not all effects are necessarily negative.



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## Checklist for Photo and Filming Request

This checklist will help to insure your request form will be complete and detailed.

- ☐ Make preliminary phone contact with the Forest Service as early as possible to obtain information and coordinate with appropriate contact. If an activity takes place within a ski area boundary, contact the ski area as well.
- ☐ Describe the needs and type of location desired for filming.
- ☐ Must submit a **completed SF-299**, a Commercial Filming Request supplemental application and a map, a minimum of 10 working days prior to desired shoot for a minimal impact, short duration request and at least 30 days prior to desired shoot date for activities of longer duration and/or above minimal impact.
- ☐ List the number of people to be involved on location in the request for, as this pertains to the land use fee calculation.
- ☐ Provide a time schedule including dates and locations of operations, set-up and take down.
- ☐ List all vehicles, equipment, chemicals, and other materials that will be used or transported.
- ☐ Script or storyboard and a thorough, written description of the film project should be included with the filming request form.
- ☐ Certificate of Insurance or copy of the Policy.
- ☐ Documents showing coordination between other parties, such as Location Agreements, permits necessary from County, Department of Transportation, private landowners or other permittees.
- ☐ Performance Bond or other acceptable methods of surety if required.
- ☐ All fees are due and payable, **prior** to filming.
- ☐ The permit, and the Financial Plan or Collection Agreement, must be signed by an authorized production company representative. Proof of authorization to execute documents by a location manager on behalf of the company must be provided.

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer."